

November 15, 2013

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
November 15, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 1:03 P.M. AT 607 EAST ADAMS STREET, SUITE 801, SPRINGFIELD, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman (by telephone); James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Elizabeth Whitehorn (by telephone), Roneta Taylor (by telephone), John Logsdon (by telephone), and Mark Magill (by telephone), Illinois Department of Central Management Services; Kent Bozarth, Illinois Department of Commerce and Economic Opportunity; Scott Viniard, Illinois Department of Human Services; Siobhan Johnson and Stephen Konya, Illinois Department of Public Health; Ronny Wickenhauser and Jodi Schrage, Office of the State Fire Marshal; and Beth Duesterhaus (by telephone) Administrative & Regulatory Shared Services Center.

Executive Director Daniel Stralka advised that he had been notified in advance that Chairman FitzGerald was prevented from physically attending the November 15, 2013 meeting at the Commission's Springfield office due to employment purposes and wished to attend by audio conference.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO ALLOW CHAIRMAN FITZGERALD TO ATTEND THE MEETING BY AUDIO CONFERENCE.**

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD OCTOBER 18, 2013

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER ANDERSON, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD OCTOBER 18, 2013.**

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

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V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions from Illinois Dept. of Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	137	16
Agriculture.....	348	16
Arts Council.....	16	2
Capitol Development Board.....	46	0
Central Management Services.....	1,451	113
Children and Family Services.....	2,697	51
Civil Service Commission.....	4	0
Commerce & Economic Opportunity.....	371	69
Commerce Commission.....	74	0
Corrections.....	10,949	104
Criminal Justice Authority.....	56	5
Deaf and Hard of Hearing Comm.....	7	1
Developmental Disabilities Council.....	8	1
Emergency Management Agency.....	84	5
Employment Security.....	1,419	30
Environmental Protection Agency.....	797	17
Financial & Professional Regulation.....	419	44
Gaming Board.....	141	6
Guardianship and Advocacy.....	102	7
Healthcare and Family Services.....	2,077	25
Historic Preservation Agency.....	160	14
Human Rights Commission.....	13	2
Human Rights Department.....	141	9
Human Services.....	11,186	78
Illinois Sentencing Policy Advisory Council.....	2	2
Illinois Torture Inquiry Relief Commission.....	4	1
Insurance.....	217	16
Investment Board.....	3	2
Juvenile Justice.....	977	24
Labor.....	87	11
Labor Relations Board Educational.....	9	2
Labor Relations Board State.....	17	2
Law Enforcement Training & Standards Bd.....	16	2
Lottery.....	138	7
Military Affairs.....	122	3
Natural Resources.....	1,090	30
Pollution Control Board.....	20	2
Prisoner Review Board.....	16	0
Property Tax Appeal Board.....	29	1
Public Health.....	1,072	41
Racing Board.....	2	1
Revenue.....	1,701	51
State Fire Marshal.....	131	12
State Police.....	1,080	7
State Police Merit Board.....	5	1
State Retirement Systems.....	103	2
Transportation.....	2,181	0
Veterans' Affairs.....	1,277	9
Workers' Compensation Commission.....	130	10
<b>TOTALS.....</b>	<b>43,132</b>	<b>854</b>

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C. Requests for 4d(3) Exemption**

Executive Director Daniel Stralka reported the following regarding the proposed 4d(3) exemption requests:

- As to Item C, this continued request for a Chief Information Technology Officer at the Department of Central Management Services has been withdrawn.
- As to Item D, this request is for the Executive Director of the Illinois Torture Inquiry and Relief Commission (ITIRC), a position that reports to the Chairman. This position was previously approved for exemption back in 2010, but the position was abolished after the ITIRC was denied funding for FY13. The ITIRC then received funding back in March of this year, but only through December 31, 2013 so the Commission approved a request in March to reinstate this exemption for that period of time. Now the ITIRC has advised Staff that it received funding through the rest of this fiscal year and anticipates funding for next year also. It is seeking an extension of the exemption for this position. The ITIRC's enabling statute allows claimants to file claims up until August 10, 2014. Allowing two years to investigate the last of these claims, Staff recommended approval of this request through August 19, 2016. That should be sufficient time for the ITIRC to complete its statutory mission. The agency indicated it was agreeable to that term.
- As to Item E, this request is for the Electric Vehicle Coordinator at the Department of Commerce and Economic Opportunity, a position that reports to the Director. This position was first granted a temporary exemption back in 2009 as the Sustainability Manager, responsible for maintaining and establishing interagency energy efficiencies as well as managing the Illinois Green Governments Coordinating Council. Due to concerns with overlap with other exempt positions and the nature of its role on this Council once a Lieutenant Governor was appointed (this position was essentially temporarily carrying out the Lieutenant Governor's statutory duties), the Commission granted an exemption for 24 months. When it came up again in 2011, the agency again sought exemption due to its role as Chair of the Council, but to do so would conflict with express statutory language that the new Lieutenant Governor perform that function. Another 24 month extension was granted to allow the agency time to make necessary statutory changes which would definitively establish this position's programmatic role with the Council.

Now the agency has submitted a brand new position description without any reference to the Green Government Coordinating Council. Apparently, the necessary statutory changes are not going to get accomplished. The agency is seeking to exempt this position primarily due to its role as Electric Vehicle Coordinator as established by the Electric Vehicle Act. This Act establishes an Electric Vehicle Advisory Council and an Electric Vehicle Coordinator who is the point person for electric vehicle related policies and activities in the State. However, the Act goes on to state that it may be an existing employee with other duties, implying that this may not be such an extensive or substantial program to warrant a principal policy exemption based on these responsibilities.

Staff has engaged in typical back-and-forth with agency representatives and is still seeking information regarding the activities of the Electric Vehicle Council. There are also concerns that these responsibilities may overlap with one of the other exempt positions in the agency's Energy and Recycling program areas, as well as concerns since the position remains in a collective bargaining unit as of this time. The position has an incumbent and the exemption is due to expire next month. Staff recommended granting another term exemption to expire on April 18, 2014 so these issues may receive their full consideration. Illinois Department of Commerce and Economic Opportunity has 69 exempt positions, 12 of which are vacant.

Kent Bozarth, Deputy Director of Human Resources, Department of Commerce and Economic Opportunity, acknowledged that the agency is to provide additional information to Commission staff regarding this position. He advised that the Labor Board recently excluded this position from the bargaining unit. Commissioner Krey asked if the decision to exclude the position from a bargaining unit would resolve the Staff's issues regarding the exemption. Executive Director Stralka stated that there were other concerns regarding the responsibilities of the position. Chairman FitzGerald inquired about the number of vacant exempt positions at the agency. Kent Bozarth replied that there have been headcount and budgetary issues which have hindered the agency's efforts to fill its exempt positions. Chairman FitzGerald encouraged the agency to do a better job at this.

- As to Item F, this request for a Special Assistant for Health Reform Manager at the Department on Aging has been withdrawn.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO ACCEPT THE WITHDRAWAL OF THE REQUEST FOR 4d(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

- C: Chief Information Technology Officer (CMS) and**
- F: Special Assistant for Health Reform Manager (Aging).**

**IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION THROUGH AUGUST 19, 2016 FOR THE FOLLOWING POSITION:**

- D: Director (Torture Inquiry and Relief Commission).**

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION THROUGH APRIL 18, 2014 FOR THE FOLLOWING POSITION:**

- E: Electric Vehicle Coordinator/Policy Advisor (CEO).**

**The following 4d(3) exemption requests were withdrawn on November 15, 2013:**

**C. Illinois Department of Central Management Services**

Position Number	40070-37-00-000-40-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Technology
Functional Title	Chief Information Technology Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

**F. Illinois Department on Aging**

Position Number	40070-47-00-000-00-03
Position Title	Senior Public Service Administrator
Bureau/Division	Executive
Functional Title	Special Assistant for Health Reform Manager
Incumbent	Michael Gelder
Supervisor	Director
Location	Cook County

**The following 4d(3) exemption request was granted through August 19, 2016 on November 15, 2013:**

**D. Illinois Torture Inquiry and Relief Commission**

Position Number	40070-50-02-000-00-01
Position Title	Senior Public Service Administrator
Functional Title	Director
Incumbent	James P. Sledge
Supervisor	Chairman
Location	Cook County

**The following 4d(3) exemption request was granted through April 18, 2014 on November 15, 2013:**

**E. Illinois Dept. of Commerce and Economic Opportunity**

Position Number	40070-42-70-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Energy and Recycling
Functional Title	Electric Vehicle Coordinator / Policy Advisor
Incumbent	Kate Tomford
Supervisor	Director
Location	Cook County

**G. Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission**

With regard to the proposed rescissions on the agenda, Executive Director Daniel Stralka reported that on October 11 and 16, 2013 he provided notice to the Director of the Illinois Department of Central Management Services in accordance with our Rules followed by letters to all affected agency directors notifying them of which positions may be placed on this month's agenda for rescission. These notices included 168 positions. Many issues were resolved during this initial period so that when it came time to finalize the agenda only 37 positions were included for the Commission to determine if their 4d(3) exemptions should be rescinded.

He noted that Commission Rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It was Commission Staff's position that such control exists for all these proposed rescissions.

The affected agencies had no objection for the following positions. Staff recommended approval of the following proposed rescissions:

G10, G13, G14, G15, G16, G19, G26, G33, G34, G36, and G37.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

- G10: Assistant Supervisor, West Side ATC (DOC)**
- G13: Assistant Warden Programs-Tamms (DOC)**
- G14: Assistant Warden Operations-Tamms (DOC)**
- G15: Assistant Warden Programs-Dwight (DOC)**
- G16: Assistant Warden Operations-Dwight (DOC)**
- G19: Superintendent of Schools, Div. of Rehabilitation Services (DHS)**
- G26: Director of Product Development (Lottery)**
- G33: Executive Director (Sentencing Policy Advisory Council)**
- G34: Senior Policy Advisor (Sentencing Policy Advisory Council)**
- G36: Chief Public Safety Policy Advisor (ISP) and**
- G37: Chief of Staff (ISP).**

After communicating with the agencies over the past two weeks, Staff recommended denial of the following proposed rescissions:

G5, G6, G7, G9, G11, G12, G17, G18, G21, G22, G27, G29, G30, G31, and G32.

**IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO DENY THE PROPOSED RESCISSIONS FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

- G5: Chief Legislative Liaison (CEO)**
- G6: Chief Budget Officer (CEO)**
- G7: Entrepreneurial/Small Business Programs (CEO)**
- G9: Regional Manager-Northwest (CEO)**
- G11: Assistant Warden Operations-Illinois River (DOC)**
- G12: Assistant Warden Operations-Taylorville (DOC)**
- G17: Assistant Warden Operations-Pontiac (DOC)**
- G18: Assistant Warden Programs-Centralia (DOC)**
- G21: Regional Executive Director, Region 1 South (DHS)**
- G22: Assoc. Director, Office of Community & Positive Youth Dev. (DHS)**
- G27: Deputy Director of Office of Men's Health (DPH)**
- G29: Regional Health Officer – Marion (DPH)**
- G30: Division Chief, Disaster Planning & Readiness (DPH)**
- G31: Division Chief, Infectious Diseases (DPH) and**
- G32: Human Resources Director (DOR).**

With regard to the remaining positions, Executive Director Stralka advised the Commissioners that with the exception of G35, they are all vacant.

Item G1 is the Chief Labor Relations Administrator for the DCFS. It was first approved over 9 years ago and has never been filled. Staff recommended approval of this proposed rescission.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER ANDERSON, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

- G1: Chief Labor Relations Administrator (CFS).**

The Illinois Department of Commerce and Economic Opportunity has the following positions up for proposed rescission:

Item G2 and G3 are both legislative liaisons. G2 has been vacant since April 2009 and G3 vacant since September 2007. Both have been on numerous proposed rescission lists since November 2011 and each time the agency indicated that it needed additional time to fill the positions. The Commission always allowed the agency to maintain the exemptions based on these representations. The agency is again seeking to retain the exemptions, indicating that it will be filling the positions shortly as they are due to be excluded from their bargaining unit. Considering the length of time vacant, Staff

recommended approving these proposed rescissions. If the positions are ultimately excluded, the agency can resubmit them for exemption.

Kent Bozarth, Deputy Director of Human Resources, Department of Commerce and Economic Opportunity, responded that these positions fall under the collective bargaining unit exclusions included in SB1556 and it is the agency's intention to fill them once the exclusion has been completed. Elizabeth Whitehorn, Deputy Director-Personnel at Central Management Services, opined that rescinding these proposed rescissions at this time is not efficient because the agency will simply re-submit them in the future. Beth Duesterhaus, Shared Services Center, advised the Commission that she learned that the Labor Board excluded a number of Public Service Administrator positions effective this date and that list included Item G2. Commissioner Cummings inquired if this was the reason why the agency was waiting to appoint to the position. Kent Bozarth responded affirmatively, noting there has been a great deal of turnover in the Director's position and office in the last few years.

Commissioner Cummings inquired if any of the agency's work was not getting done or its efficient operation was being hindered by the lengthy vacancies in these two positions. Kent Bozarth indicated that some tasks could not get done because the positions had not been filled. Elizabeth Whitehorn added that even though it may look like on paper and sound like these positions are vacant, agencies still need these and other vacant exempt positions. Oftentimes there are budgetary reasons why an agency is unable to fill them. Commissioner Cummings indicated that she believed these positions were appropriate for rescission.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

- G2: Legislative Liaison for International Trade Office (CEO) and**
- G3: Legislative Liaison (CEO).**

Item G4 is the Assistant Deputy Director in the Office of Trade and Investment. Despite Staff's request, the agency never provided information to verify how long it has been vacant. However, it appears that it has never been filled since the agency first requested and was granted an exemption for the position in June 2011. Executive Director Stralka noted that this is exactly the type of situation which artificially inflates the number of exempt positions Statewide; exemption approved but sits vacant for over two years. The agency's response was that it had to fill four other exempt positions in this program area before it could appoint to this position. Executive Director Stralka thought this noteworthy and suggested that this position was so far down the priority list in this program area that it may not warrant a principal policy exemption regardless of length of vacancy. For this reason as well as the length of its vacancy, Staff recommended approval of this proposed rescission. Kent Bozarth responded by again citing the turnover in the Director's office and other key positions in the agency and, specifically, this program area. He noted that it is next on the list to be filled now that the other appointments in this program area have been

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accomplished. Commissioner Krey inquired about the current number of vacant exempt positions at the agency. Kent Bozarth replied that it is presently 12, but was recently as high as 22. This shows the agency has been taking steps to remedy this issue.

**IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**G4: Assistant Deputy Director, Office of Trade & Investment (CEO).**

Item G8 is a Manager in the Office of Innovation and Technology, reporting to the Deputy Director of this program area which also has an exempt Assistant Deputy Director. It has been vacant since May 2009. Given the length of the vacancy and the existence of an exempt Assistant, Staff would normally recommend approval of this proposed rescission. However, the agency indicated that it has a candidate identified so Staff instead recommended continuing this item until the February 21, 2014 meeting of the Commission. If the position is not filled by then, the Commission will be able to rescind the exemption without further notice. Kent Bozarth added that this position was at final epar approval stage to fill which was accomplished on November 13, 2013.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION TO THE COMMISSION'S SCHEDULED FEBRUARY 21, 2014 MEETING:**

**G8: High Performance Work Place (CEO).**

The Illinois Department of Human Services has the following position up for proposed rescission:

Item G20 is the Associate Deputy Director of Developmental Disabilities Center Administration, a position that was granted exempt status in June 2010 and has never been filled. As noted above, this practice artificially inflates the number of exempt positions. The agency's response was that it had one candidate decline the position, but it was noted that this is over a three+ year period. For this reason, Staff recommended approval of this proposed rescission. Scott Viniard, Bureau Chief-Employee Services, Department of Human Services, indicated that the agency had no objection to this proposed rescission.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**G20: Assoc. Deputy Dir., Developmental Disabilities Center Admin. (DHS).**

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The Illinois Department of Juvenile Justice has the following positions up for proposed rescission:

G23, G24, and G25 are Assistant Warden positions at closed juvenile detention centers. The agency is seeking to postpone the rescission of these exemptions – until at least January – since the facilities are still under the custody and control of Juvenile Justice. It is waiting to hear back from Central Management Services as to when they will be transferred to that agency. However, that does not appear relevant to whether the positions qualify for a principal policy exemption; after all, the facilities are closed and the positions are vacant. In addition, the Department of Corrections agreed to four rescissions related to the closure of Tamms and Dwight without waiting, from Executive Director Stralka's best information, for the facilities to be transferred to Central Management Services. Finally, the Commission's action today would not abolish the positions but simply change their exempt status. The agency can still maintain the positions and if it needed to make exempt appointments, could simply seek reinstatement of the exemptions from the Commission. Nevertheless, Staff suggested that the Commission could approve the proposed rescissions today with an effective date of February 21, 2014. The agency indicated it would have no objection to that deferred effective date so that was the Staff recommendation. Commissioner Krey indicated that she did not see any need for a future prospective date and would prefer to proceed with their rescission today.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**G23: Assistant Warden Programs-Murphysboro (DJJ)**

**G24: Assistant Warden Programs-Joliet (DJJ) and**

**G25: Assistant Warden Operations-Joliet (DJJ).**

Item G28 is a Regional Health Officer at the Illinois Department of Public Health, a position that has been vacant since April 2011. The agency has seven such positions statewide, and this one is located in Rockford. The agency indicated it is conducting interviews starting today so it was the Staff recommendation to continue this proposed rescission until the February 21, 2014 meeting of the Commission. Siobhan Johnson, Deputy Director of Human Resources, Department of Public Health, added that the agency has identified a candidate for this position.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION TO THE COMMISSION'S SCHEDULED FEBRUARY 21, 2014 MEETING:**

**G28: Regional Health Officer – Rockford (DPH).**

Item G35 is the Fire Safety Compliance Manager at the Office of the State Fire Marshal, a position that was granted exemption in December 2007. It has principal policy responsibility as the statewide program director for several fire safety compliance programs under several fire safety Acts, though it was noted that one of its supporting programs was repealed in 2011. Having principal programmatic responsibility for legislation of this nature has historically been sufficient to support a Section 4d(3) exemption. This is the only position on the agenda that is occupied and was included because the employee is presently working part time and, upon information and belief, has been doing so since hired in 2009. A review of 50+ years of Commission minutes has not indicated any other position being granted a principal policy exemption that was other than a full-time position. The issue for the Commission to determine is whether it is acceptable for a part-time position to receive a principal policy exemption. It must also be noted that this position is in a bargaining unit and it is unknown whether the agency is seeking its exclusion.

Jodi Schrage, Manager, Office of the State Fire Marshal, noted that the position has been excluded from its collective bargaining unit. Elizabeth Whitehorn opined that she reviewed the Personnel Code and noted that Section 4d(3) simply refers to “positions.” It is within the agency’s discretion to fill its positions with full-time or part-time employees. It is then up to the agency to ensure that its employees are fulfilling the duties of the position. Commissioner Cummings inquired as to how long the current incumbent has been in the position. Jodi Schrage replied since 2009, noting that he has been fulfilling the enforcement duties as set forth in the position description. She also confirmed that the position was vacant for two years after its approval before it was filled.

Commissioner Krey inquired whether it would be possible to find out if exempt positions are being utilized on a full-time or part-time basis. Executive Director Stralka suggested he could make that part of his standard inquiry for exemption requests going forward. Elizabeth Whitehorn indicated that such an inquiry was outside the scope of the Commission’s review because the propriety of an exemption does not include an analysis of whether the position is part time or full time under the Personnel Code. Commissioner Cummings inquired as to who made the determination that this should be a part-time position. Jodi Schrage indicated it was the State Fire Marshal at the time, though she added the workload is such that it may have to go to full-time in the near future. Commissioner Krey observed that the present exemption might lead to agencies requesting exemptions for part-time positions in the future. Chairman FitzGerald suggested that Staff should incorporate a part-time/full-time inquiry into its exemption analysis. He also suggested that this matter be continued to the May 16, 2014 meeting of the Commission to allow Staff to meet with the Office of the State Fire Marshal regarding this particular position as well as prepare a report on the issue of approving principal policy exemptions for part-time positions that is to include a recommendation to the Commission. Commissioner Cummings asked that the Commission Staff request a list of policy decisions made by the position holder.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITION TO THE COMMISSION’S SCHEDULED MAY 16, 2014 MEETING:**

**G35: Fire Safety Compliance Manager (SFM).**

**The following 4d(3) exemptions were rescinded on November 15, 2013:**

<b>Item</b>	<b>Position Number</b>	<b>Agency</b>	<b>Functional Title</b>
G1	40070-16-07-100-00-01	CFS	Chief Labor Relations Administrator
G2	37015-42-00-000-01-01	CEO	Legislative Liaison for International Trade Office
G3	37015-42-00-230-00-01	CEO	Legislative Liaison
G4	40070-42-00-090-05-01	CEO	Assistant Deputy Director, Office of Trade and Investment
G10	40070-29-20-212-10-01	DOC	Assistant Supervisor, West Side ATC
G13	40070-29-60-200-00-01	DOC	AWP-Tamms
G14	40070-29-60-300-00-01	DOC	AWO-Tamms
G15	40070-29-84-200-00-01	DOC	AWP-Dwight
G16	40070-29-84-300-00-01	DOC	AWO-Dwight
G19	40070-10-41-200-00-20	DHS	Superintendent of Schools, Division of Rehabilitation Services
G20	40070-10-66-200-10-01	DHS	Associate Deputy Director, Developmental Disabilities Center Admin.
G23	40070-27-16-200-00-01	DJJ	Assistant Warden Programs-Murphysboro
G24	40070-27-35-200-00-01	DJJ	Assistant Warden Programs-Joliet
G25	40070-27-35-300-00-01	DJJ	Assistant Warden Operations-Joliet
G26	40070-45-00-600-00-01	Lottery	Director of Product Development
G33	40070-50-04-000-00-01	SPAC	Executive Director
G34	40070-50-04-000-01-01	SPAC	Senior Policy Advisor
G36	40070-21-00-000-00-02	ISP	Chief Public Safety Policy Advisor
G37	40070-21-00-040-00-01	ISP	Chief of Staff

**The following 4d(3) exemption rescissions were denied on November 15, 2013:**

Item	Position Number	Agency	Functional Title
G5	40070-42-00-200-00-01	CEO	Chief Legislative Liaison
G6	40070-42-00-310-00-01	CEO	Chief Budget Officer
G7	40070-42-00-700-00-01	CEO	Entrepreneurial/Small Business Programs
G9	40070-42-10-200-00-01	CEO	Regional Manager (Northwest)
G11	40070-29-55-300-00-01	DOC	AWO-Illinois River
G12	40070-29-56-300-00-01	DOC	AWO-Taylorville
G17	40070-29-85-300-00-01	DOC	AWO-Pontiac
G18	40070-29-92-200-00-01	DOC	AWP-Centralia
G21	40070-10-82-000-00-01	DHS	Regional Executive Director, Region 1 South
G22	40070-10-90-333-00-01	DHS	Associate Director, Office of Community and Positive Youth Development
G27	40070-20-04-000-00-81	DPH	Dep. Director of Office of Men's Health
G29	40070-20-06-205-00-51	DPH	Regional Health Officer - Marion
G30	40070-20-09-200-00-01	DPH	Div. Chief, Disaster Planning and Readiness
G31	40070-20-51-000-00-01	DPH	Division Chief, Infectious Diseases
G32	40070-25-45-000-00-01	DOR	Human Resources Director

**The following 4d(3) exemption rescissions were continued to February 21, 2014:**

Item	Position #	Agency	Functional Title
G8	40070-42-00-740-00-01	CEO	High Performance Work Place
G28	40070-20-06-201-00-11	DPH	Regional Health Officer - Rockford

**The following 4d(3) exemption rescission was continued to May 16, 2014:**

Item	Position #	Agency	Functional Title
G35	37015-50-50-100-00-16	SFM	Fire Safety Compliance Manager

VI. CLASS SPECIFICATIONS

The following class titles were submitted for creation and revision by the Director of the Illinois Department of Central Management Services:

- Corrections Nurse Trainee (create)
- Corrections Nurse I (revise)

Assistant Executive Director Barris asked John Logsdon, Illinois Department of Central Management Services-Technical Services, why there were two entries on the CMS 112 form for the Correction Nurse I revision and if there were some positions under collective bargaining

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while others were not. Logsdon explained that a collective bargaining agreement covered some positions and that the compensation remained the same for the Corrections Nurse I and this is reflected as MS 20 on the form.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER ANDERSON TO APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON DECEMBER 1, 2013.**

**Corrections Nurse Trainee (create) and  
Corrections Nurse I (revise).**

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

**VII. MOTION TO CLOSE A PORTION OF THE MEETING**

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>FITZGERALD</b>	<b>YES</b>	<b>ANDERSON</b>	<b>YES</b>
<b>CUMMINGS</b>	<b>YES</b>	<b>KREY</b>	<b>YES</b>
<b>URLACHER</b>	<b>YES</b>		

VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 607 East Adams Street, Suite 801, Springfield, Illinois at 2:00 p.m.

PRESENT

Chairman Garrett P. FitzGerald (by telephone); James B. Anderson, Anita M. Cummings, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored.

<b>Agency</b>	9/30/13	<b>10/31/13</b>	10/31/12
Aging	1	<b>1</b>	2
Agriculture	3	<b>0</b>	1
Children and Family Services	2	<b>0</b>	5
Healthcare and Family Services	2	<b>1</b>	5
Historic Preservation Agency	11	<b>1</b>	3
Human Services	0	<b>0</b>	3
Natural Resources	10	<b>1</b>	10
Revenue	3	<b>1</b>	3
Transportation	0	<b>0</b>	10
Veterans' Affairs	0	<b>0</b>	1
<b>Totals</b>	32	<b>5</b>	43

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

**DA-1-14**

Employee	Shanquwil D. Jones	Appeal Date	07/09/13
Agency	Human Services	Decision Date	11/01/13
Appeal Type	Discharge	Proposal for Decision	Charges are proven and warrant a 60-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER ANDERSON, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVEN AND WARRANT A 60-DAY SUSPENSION PLUS THE DURATION OF HIS SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED NOVEMBER 1, 2013.**

**FITZGERALD YES                      ANDERSON YES  
CUMMINGS YES                      KREY YES  
URLACHER YES**

**XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS**

**S-7-14**

Employee	Nadine C. Porebski	Appeal Date	10/17/13
Agency	Illinois State Police	Decision Date	10/25/13
Type	Suspension	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Daniel Stralka		

**IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION TO DISMISS THE APPEAL AS IT WAS WITHDRAWN.**

**FITZGERALD YES                      ANDERSON YES  
CUMMINGS YES                      KREY YES  
URLACHER YES**

**XII. STAFF REPORT**

Executive Director Daniel Stralka reported that:

- The Commission received the draft Compliance Audit Report for the period ending June 30, 2013. It did not contain any material findings.
- The State and University Employees Combined Appeal (SECA) campaign ended November 1 but contributions will be accepted through the end of November.
- HB3697 was referred to the Rules Committee on October 22, 2013.

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- Commissioner Urlacher appeared before the Senate Executive Appointments Committee on November 5, 2013 and was recommended for confirmation by the full Senate.
- Annual Ethics Training Acknowledgements of Participation are due no later than December 31, 2013.

Assistant Executive Director Andrew Barris confirmed with the Public Access Counselor at the Office of the Attorney General that Commissioners only had to do the Open Meetings Act training once, not annually.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, December 20, 2013 at 10:30 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 2:03 P.M.**